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Our Case Docket No.: BTI 0200

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Ansley, Daniel R. et al.)
Serial No.: 09/666,009)
Filing Date: 09/19/2000)
For: Composition and Method for)
Immunostimulation in Non-Mammalian)
Vertebrates)

Art Unit: 1644
Examiner: Jamroz, M. E.

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TECH CENTER 1600/2900

New York, New York
January 22, 2002

Assistant Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

Please enter this response to the Office Action dated November 20, 2001. Applicant encloses with this response a petition for a one month extension of time.

IN THE CLAIMS:

Cancel claim 5.

REMARKS

Pursuant to the restriction requirement applicant elects to prosecute Group IV comprising claims 1-4 and 6-8. All these claims read on the elected species.

The examiner further requires applicant to elect a specific use of a specific composition of a specific molecular weight. Applicant respectfully traverses this requirement and suggests that the examiner has not properly understood the crux of applicant's invention.

Applicant is not claiming a specific composition of matter having a specific molecular weight but rather a biologically obtained fraction from the serum of a mammal that has the characteristics defined in the specification. The mode of operation of the inventive composition is such that it operates on the immune system of the animal and modulates the animal's own defenses. It is thus not related to a specific disease state. Further, since it relates to the immune system of the animal and all animals of the same genus have the same immune system, the immunomodulation effect demonstrated in one species defines the response of other members of the genus.